

EXHIBIT A

COPY

(P)
300959

SUMMONS
IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

CHARLES TERRY and
ALICE TERRY,

Plaintiffs,

v.

WALTON E. STONE and
WERNER ENTERPRISES, INC.,

Defendants.

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:
:
:
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:
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:
:

C.A. NO.: *05C-11-119 JEB*

ARBITRATION

TRIAL BY JURY OF
TWELVE DEMANDED

THE STATE OF DELAWARE,
BRANDYWINE PROCESS SERVERS LTD.
YOU ARE COMMANDED:

SUMMONS

I do hereby summon the above named Defendants by serving the Summons and Complaint upon the Defendants such that, within 20 days after service hereof upon Defendants, exclusive of the day of service, Defendants shall serve upon Susan D. Ament, Plaintiffs' attorney, whose address is 803 North Broom Street, P.O. Box 2328, Wilmington, Delaware, 19899 an Answer to the Complaint.

To serve upon Defendants a copy hereof and of the Complaint.

Dated: *11/29/05*

SHARON CAGNIN
Prothonotary
Per Dep *[Signature]*

TO THE ABOVE NAMED DEFENDANTS

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve Plaintiffs' attorney named above an Answer to the Complaint, judgment by default will be rendered against you for the relief demanded in the Complaint.

SHARON CAGNIN
Prothonotary
Per Dep *[Signature]*

SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (CIS)

COUNTY: (N) K S

CIVIL ACTION NUMBER:

FILED
PROTHONOTARYCIVIL CASE CODE: CBDTCIVIL CASE TYPE: PERSONAL INJURY

2005 NOV 14 PM 3:49

<p>Caption:</p> <p><u>CHARLES TERRY and</u> <u>ALICE TERRY,</u></p> <p><u>Plaintiffs,</u></p> <p><u>v.</u></p> <p><u>WALTON E. STONE and</u> <u>WERNER ENTERPRISES INC.,</u></p> <p><u>Defendants.</u></p>	<p>Name and Status of Party Filing Document:</p> <p><u>Charles Terry and Alice Terry - Plaintiffs</u></p> <p>Document Type: (E.G., COMPLAINT, ANSWER WITH COUNTERCLAIM)</p> <p>Complaint</p> <p>Non-Arbitration _____</p> <p>(CERTIFICATION OF VALUE MAY BE REQUIRED)</p> <p>Arbitration <u>X</u> Mediation _____ Neutral Assessment _____</p> <p>DEFENDANT (CIRCLE ONE) ACCEPT REJECT</p> <p>JURY DEMAND YES <u>X</u> NO _____</p> <p>TRACK ASSIGNMENT REQUESTED:</p> <p>EXPEDITED (STANDARD) COMPLEX</p>
<p>ATTORNEY NAME(S):</p> <p><u>Susan D. Ament, Esq.</u></p> <p>ATTORNEY ID(S):</p> <p><u>2201</u></p> <p>FIRM NAME:</p> <p><u>Morris, James, Hitchens & Williams LLP</u></p> <p>ADDRESS:</p> <p><u>803 North Broom Street</u> <u>P.O. Box 2328</u> <u>Wilmington, DE 19899-2328</u></p> <p>TELEPHONE NUMBER:</p> <p><u>(302) 655-2599</u></p> <p>FAX NUMBER:</p> <p><u>(302) 655-8831</u></p> <p>E-MAIL ADDRESS:</p> <p><u>sament@morrisjames.com</u></p>	<p>IDENTIFY ANY RELATED CASES NOW PENDING IN THE SUPERIOR COURT BY CAPTION AND CIVIL ACTION NUMBER INCLUDING JUDGE'S INITIALS:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>EXPLAIN THE RELATIONSHIP(S): _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT: _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>(IF ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH PAGES)</p>

THE PROTHONOTARY WILL NOT PROCESS THE COMPLAINT, ANSWER OR FIRST RESPONSIVE PLEADING IN THIS MATTER FOR SERVICE UNTIL THE CASE INFORMATION STATEMENT (CIS) IS FILED. THE FAILURE TO FILE THE CIS AND TO HAVE THE PLEADING PROCESSED FOR SERVICE MAY RESULT IN THE DISMISSAL OF THE COMPLAINT OR MAY RESULT IN THE ANSWER OR FIRST RESPONSIVE PLEADING BEING STRICKEN.

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE FILED
IN AND FOR NEW CASTLE COUNTY PROTHONOTARY

2005 NOV 14 PM 3:49

CHARLES TERRY and	:	
ALICE TERRY,	:	
	:	C.A. NO.:
Plaintiffs,	:	
	:	ARBITRATION
v.	:	
	:	TRIAL BY JURY OF
WALTON E. STONE and	:	TWELVE DEMANDED
WERNER ENTERPRISES INC.,	:	
	:	
Defendants.	:	

COMPLAINT

1. Plaintiffs, Charles Terry and Alice Terry, as husband and wife, are residents of the Commonwealth of Pennsylvania residing at 425 Coats Street, Coatesville, Pennsylvania 19320.

2. Defendant, Walton E. Stone, on information and belief, is a resident of the State of South Carolina residing at 2712 Welling Farm Road, Darlington, South Carolina 29532.

3. Defendant, Werner Enterprises Inc., on information and belief, is a South Carolina corporation conducting business at 14507 Frontier Road, Omaha, Nebraska 68138, whose registered agent is Robert E. Synowicki. Service of process can be made by serving the registered agent at 14507 Frontier Road, Omaha, Nebraska 68138.

4. On or about November 5, 2004, Plaintiff, Charles Terry, was operating his vehicle at or near Northtown Plaza on Naamans Road in Claymont, Delaware, and was stopped for traffic

when, suddenly and without warning, a tractor trailer operated by Defendant, Walton E. Stone, and owned and/or insured by Defendant, Werner Enterprises Inc., backed into the driver's side of Plaintiff's vehicle.

5. The aforesaid accident was proximately caused by the negligent conduct of the Defendant, Walton E. Stone, in that he:

(a) failed to obey the required traffic laws in violation of 21 Del.C. §4102;

(b) operated his vehicle in an inattentive manner in violation of 21 Del.C. §4176(b);

(c) operated his vehicle in a careless or imprudent manner in violation of 21 Del.C. §4176(a);

(d) failed to give full time and attention to the operation of his vehicle and failed to maintain a proper lookout while operating his vehicle in violation of 21 Del.C. §4176(b);

(e) failed to cause his vehicle to be moved when such movement could be made with reasonable safety to others in violation of 21 Del.C. §4154;

(f) failed to turn his vehicle so as to proceed in the opposite direction when such movement could be made with safety and without interfering with other traffic in violation of 21 Del.C. §4155(a);

(g) failed to use a signal to indicate an intention to turn, change lanes or start from a parked position in violation of 21 Del.C. §§4155(c) and 4156;

(h) failed to yield the right of way before entering the roadway to all vehicles approaching on the roadway in violation of 21 Del.C. §4165;

(i) stopped and/or parked his vehicle at a place where such parking, standing or stopping obstructs the free passage of other traffic in violation of 21 Del.C. §4179(a)(16);

(j) failed to back his vehicle when such movement could be made with safety and without interfering with other traffic in violation of 21 Del.C. §4184;

(k) failed to maintain proper control over his vehicle;

(l) was otherwise negligent as will be determined through the discovery process.

6. At all times relevant to this litigation, Defendant, Walton E. Stone, was operating a vehicle owned and/or insured by Defendant, Werner Enterprises Inc., and was operating said vehicle with their permission and/or as their agent, and thus Defendant, Werner Enterprises Inc., is vicariously liable for this accident. **If this allegation is denied it must be denied by Affidavit, according to Delaware Law.**

7. At all times material herein, Defendant, Walton E. Stone, was the employee and/or agent of Defendant, Werner Enterprises Inc., and was acting within the scope and course of his employment and/or agency relationship with Defendant, Werner Enterprises Inc.

8. Under the doctrine of *respondeat superior*, the negligence of Defendant, Walton E. Stone, is imputed to Defendant, Werner Enterprises Inc., by virtue of their employment/agency relationship.

9. As a proximate result of the aforesaid negligent conduct of Defendants, Walton E. Stone and Werner Enterprises Inc., Plaintiff, Charles Terry, has suffered in the past and may continue to suffer in the future, serious bodily harm and injuries including, but not limited to, his head, neck and back, among others, some or all of which are or may be permanent in nature.

10. As a further proximate result of the aforesaid accident, Plaintiff, Charles Terry, has incurred in the past and may incur in the future, medical and related expenses for his care and treatment.

11. As a further proximate result of the aforesaid accident, Plaintiff, Charles Terry, has suffered in the past and may suffer in the future, severe pain, suffering, discomfort, and mental anguish.


12. As a further proximate result of the aforesaid accident, Plaintiff, Charles Terry, has incurred in the past and may incur in the future lost wages and diminution of his earning capacity.

13. As a further proximate result of the aforesaid accident, Plaintiff, Alice Terry, has suffered the loss of consortium of her husband, Plaintiff Charles Terry.

14. As a further proximate result of the aforesaid accident, Plaintiff, Charles Terry, presents a claim for property damage and rental expenses which may not have been paid to date.

WHEREFORE, Plaintiffs, Charles Terry and Alice Terry, demand judgment against Defendants, Walton E. Stone and Werner Enterprises Inc., jointly and severally, for such general and special damages, as the jury will award, plus costs, pre and post judgment interest.

MORRIS, JAMES, HITCHENS & WILLIAMS LLP



SUSAN D. AMENT, ESQUIRE
ID #2201
803 North Broom Street
P.O. Box 2328
Wilmington, DE 19899
Attorney for Plaintiffs

DATED: 11/10/05
cgh

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

CHARLES TERRY and :
ALICE TERRY, :
 : C.A. NO.:
Plaintiffs, :
 : ARBITRATION
v. :
 : TRIAL BY JURY OF
WALTON E. STONE and : TWELVE DEMANDED
WERNER ENTERPRISES INC., :
 :
Defendants. :

AFFIDAVIT OF COUNSEL PURSUANT
TO RULE 3 (h) (1) (II) AND (III)

STATE OF DELAWARE:
 : SS
NEW CASTLE COUNTY:


I, SUSAN D. AMENT, having been duly sworn this 14th day of
Nov., 2005, do depose and say:

1. I am attorney for Plaintiffs in the above-captioned
action.

2. This action involves a claim for personal injuries.

Documentation of medical expenses and lost wages will be supplied.

MORRIS, JAMES, HITCHENS & WILLIAMS LLP



SUSAN D. AMENT, ESQUIRE,
ID #2201
803 North Broom Street
P.O. Box 2328
Wilmington, DE 19899
Attorney for Plaintiffs

SWORN TO AND SUBSCRIBED before me the day and year aforesaid.



NOTARY PUBLIC

CHRISTIAN G. HEESTERS
Notary Public - State of Delaware
My Comm. Expires Aug. 30, 2007

RETURN OF SERVICE

CASE NO: 05C-11-119 JEB

SERVED: WALTON E STONE & WERNER ENTERPRISES INC

DOCUMENT: SUMMONS, COMPLAINT, INTERROGATORIES & REQUEST FOR PRODUCTION

ADDRESS: C/O THE DELAWARE SECRETARY OF STATE DOVER, DE

DATE: 11/30/05

MANNER OF SERVICE


FILED
PROTHONOTARY

2005 DEC -1 AM 10:44

☒ PERSONAL: ACCEPTED BY: RHONDA COMMER

☐ SUBSTITUTE:

☐ NO SERVICE:



GRANVILLE MORRIS

BRANDYWINE PROCESS SERVERS, LTD
PO BOX 1360
WILMINGTON DE 19899
302-475-2600

SWORN TO BEFORE ME ON 11/30/05



NOTARY PUBLIC

KEVIN DUNN
NOTARY PUBLIC
STATE OF DELAWARE
MY COMMISSION EXPIRES NOV. 23, 2006

BRANDYWINE PROCESS SERVERS, LTD PO BOX 1360 WILMINGTON, DE 19899